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Notice of Allowability

Application No.

10/553,002

Examiner

Brian Nash

Applicant(s)

HUR, YOON-SEOK

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview 1/9/2008.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>1/9/2008</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Brian D. Nash ☐ Examiner ☐ Art
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DETAILED ACTION

Examiner's Comments

1. This action is in response to a phone interview on 1/9/2008 (see attached interview summary) and applicant's proposed amendments to the claims. The allowed claims are 1-19.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ian Walsworth on 1/9/2008.

The application has been amended as follows:

Claim 1 is replaced with, --A circular stapler comprising:

a detachable anvil;

a head section coupled to the detachable the anvil and having a head section cover;

a cylindrical body that longitudinally extends, one end of the cylindrical body is coupled to the head section by a transition section;

an axis extending through a center of the detachable anvil and a center of the cylindrical body;

and

wherein a recessed portion in a side surface of the transition section is positioned proximate to the head section cover such that a radial distance from the axis to any point on a surface of the recessed portion is less than a radial distance from the axis to any point on a surface of the cylindrical body and wherein the recessed portion is adapted to receive an inner portion of an intestine.--;

Claim 15 is replaced with, --A surgical stapler comprising:

a detachable anvil;

a head section coupled to the detachable the anvil and having a head section cover;

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a cylindrical body that longitudinally extends, one end of the cylindrical body is coupled to the head section by a transition section;

a cylindrical blade;

a staple holder having a plurality of staple slots which surround the outer circumferential portion of the cylindrical blade, staples being provided inside the staple slots;

a push member provided with a protruded portion inserted into the staple slots for pushing the staples;

a support positioned under the push member and having a circular plate-shaped top for pushing the push member;

an axis extending through a center of the detachable anvil and a center of the cylindrical body;

wherein a recessed portion in a side surface of the transition section is positioned proximate to the head section cover such that a radial distance from the axis to any point on a surface of the recessed portion is less than a radial distance from the axis to any point on a surface of the cylindrical body, wherein the recessed portion is adapted to receive an inner portion of an intestine, and wherein the length of the head section cover in a longitudinal direction of the cylindrical body is in a range from 15mm to 18 mm.--.

Reasons For Allowance

3. The following is an examiner's statement of reasons for allowance. The prior art of record fails to anticipate or show in combination all the features of applicant's invention:

With respect to claims 1 and 15, the novelty is found in the recessed portion of the circular stapler. Specifically, the recessed portion, located on a side surface of the transition section, comprises a surface defined by having a radial distance from the axis to any point on the surface of the recessed portion being less than a radial distance from the axis to any point on a surface of the cylindrical body.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Nash whose telephone number is 571-272-4465. The examiner can normally be reached on Monday – Thursday from 8 a.m. to 6 p.m.
5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached at 571-272-4467. The official fax number for this Group is: 571-273-8300
6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Brian D. Nash/
Primary Examiner, Art Unit 3721

1/21/2008